IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1420 OF 2006

Laxman Dayaram Bahalakar.... Petitioner

versus

State of Maharashtra & ors. ... Respondents.

Shri C.T. Chandratre for the petitioner.
Shri S.R. Nargolkar AGP for Respondents 1 to 4.

CORAM; V.G. PALSHIKAR Acg.C.J.&
V.M. KANADE, J.

DATED; 25TH JULY, 2006.

P.C:

1. By this petition, the petitioner has challenged the order passed by the Maharashtra Administrative Tribunal rejecting the Original Application of the petitioner by which he questioned the punishment imposed on him after disciplinary proceedings were over. The punishment imposed is that of compulsory retirement. The contention is that the admission given by the petitioner of his guilt, should not have been acted upon as cogent reasons, which were given by the petitioner in not accepting the admission. This contention was raised before the tribunal also while relying on the decision of the Supreme Court in **Delhi Transport Corporation Vs. Shyam Lal reported in 2004**

AIR SCW 4711. Dealing with that contention the tribunal has observed as under:

> *" The reliance placed by the learned advocate for the applicant on the decision of the Supreme Court in Delhi Transport Corporation Vs. Shyam Lal 2001 AIR SCW 4711 is of no help because the facts of that case are different. In the above case it has been held that it is open to the person making the admission to show why the admission is not to be acted upon. In the present case, the applicant has not been able to show the reason why his admission should not be acted upon."*

2. The tribunal has thus rejected the contention of the petitioner that the admissions should not have been acted upon for reasons mentioned by it before the disciplinary authority as also the tribunal. In such circumstances, this is not an error either legal or jurisdictional in the order passed by the tribunal.

Hence petition is rejected.

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